

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**REGINA WATKINS, AS NEXT FRIEND
AND PARENT OF ARCKASIER WATKINS**

Plaintiff,

v.

No. 2:09CV02149- SHM-cgc

**SADLER BAILEY,
BAILEY AND BENFIELD, P.L.L.C.,
JACK BEAM, BEAM & RAYMOND, P.L.L.C.**

Defendants.

**ORDER DENYING MOTION IN LIMINE WITHOUT PREJUDICE
ORDER DENYING MOTION TO AMEND COMPLAINT WITHOUT PREJUDICE**

Before the court are Plaintiff's Motion to Amend her Complaint (D.E. # 59) and Motion in Limine (D.E. # 61) by order of reference from District Judge Samuel H. Mays (D.E. # 62 and 63). Local Rule 7.2(a)(1)(B) states that:

Consultation by Counsel. **All motions**, including discovery motions but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60 shall be accompanied by a certificate of counsel affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. **Failure to attach an accompanying certificate of consultation may be deemed good grounds for denying the motion.**

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in

the conduct of a conference, counsel must file a certificate to that effect, setting out counsel's efforts to comply with this rule.
(emphasis added)

Plaintiff has shown no effort to comply with this Rule as to either motion. The Motion in Limine contains no certificate of consultation. The Motion to Amend states that “Opposing counsel have been consulted, and they object.” This statement is far from the certificate of consultation required by the Rule.

Failure to comply with the Rule may be deemed good grounds for denying the motion. Accordingly, Plaintiff’s Motions are denied without prejudice to refile in compliance with the Local Rules.

IT IS SO ORDERED this 13th day of November, 2009.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE